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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,133

09/08/2003

Anshuman Thakur

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12/13/2005

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EXAMINER

CHUNG, PHUNG M

ART UNIT

PAPER NUMBER

2138

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,133

Applicant(s)

THAKUR ET AL.

Examiner

Phung My Chung

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2138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/7/05</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipatead by Alexander, Jr. et al (2003/0088689).

As per claim 1, Alexander, Jr. et al disclose a method, comprising:
partitioining data into segments of the data (pg. 3, paragraph 29);
storing in memory a set of checksums of the segments of the data (pg. 2, paragraph 26 and pg. 3, paragraph 29);
selecting a portion of the data, the portion of the data comprising at least one of a subset of the segment of the data and at least one part of at least one segment of the data (pg. 4, paragraph 39); and

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determining a checksum of the portion of the data, the checksum of the portion of the data being determined, based, at least in part, upon at least one of a checksum of the subset of the segments of the data and a checksum of the at least one part of the at least one segment of the data, the checksum of the subset of the segments of the data being based, at least in part, upon respective checksums, read from the set of checksums stored in the memory, of segments of the data comprised in the subset of the segments of the data (pg. 4, paragraphs 38 and 39).

As per claims 2-3, Alexander, Jr. et al further disclose:

determining, based at least in part upon the checksum of the portion of the data, a checksum of the packet;

the selecting of the portion of the data is based, at least in part, upon a size of a packet; and the packet comprise the portion of the data and the checksum of the packet, wherein the size of the packet is selected based, at least in part, upon one or more flow control parameters. (See paragraphs 33 and 39).

As per claim 4, Alexander, Jr. et al further disclose:

the one or more flow control parameters are based, at least in part, upon one or more of the following: a level of network congestion, a maximum packet size, and a maximum data transfer amount (paragraph 39).

As per claim 5, Alexander, Jr. et al further disclose:

the checksum of the packet comprises a transmission control protocol (TCP) segment checksum; and

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the one or more flow control parameters indicate, at least in part, status of a TCP connection (paragraphs 28 and 33).

As per claim 6, Alexander, Jr. et al further disclose each of the segments of the data has an identical respective size equal to N bytes;

the data has a size equal to M bytes; and

the set of checksums includes a number of checksums equal to twice the quotient of M divided by N. (See paragraph 34).

As per claim 7, Alexander, Jr. et al further disclose:

storing the segments of the data in computer readable memory;

determining the checksum of the at least one part of the at least one segment of the data; and contemporaneously, at least in part, with the determining of the checksum of the at least one part of the at least one segment of the data, at least one of:

reading, at least in part, the at least one part...; and

storing,..., the at least one part of the at least one segment of the data in another computer readable memory. (See paragraphs 26 and 38- 39).

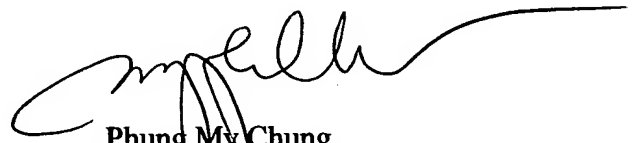
As per claims 8-14, 15-21 and 22-26, these claims are rejected under similar rationale as set forth in claims 1-7.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 571-272-3818. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571- 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phung My Chung
Primary Patent Examiner